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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF COCHISE

STATE OF ARIZONA,

Plaintiff,

vs.

JESUS DAMIEN LEON,

Defendant.

Case No. **CR201800033**  
**CR201700655**

**STATE'S REQUEST FOR  
CLARIFICATION ON SEALED  
CASE FILES**

**[JUDGE TIMOTHY DICKERSON  
DIV. IV]**

COMES NOW, the State of Arizona, by and through BRIAN M. MCINTYRE, Cochise County Attorney, and Sara V. Ransom, his Deputy, hereby moves for clarification and, if needed, amendment of the previous order of the court sealing the entire file in this matter.

On April 12, 2018, shortly before an "other acts" hearing involving detailed testimony of sexual crimes perpetrated by Defendant against the victims in CR201800033 and CR201700655 as well as other past victims, the State moved for an order from the Court sealing the transcripts of statements made by Defendant, V.G. (victim in CR201700655), and other acts victim Y.G. On April 13, 2018, the Court granted the State's Motion. Copies of the April 12 Motion and the April 13 Order are attached hereto as Exhibits 1 and 2 for ease of reference.

1 The other acts hearing proceeded on June 19, 2018. Based upon the sensitive  
2 nature of the testimony provided by M.Q., the victim in CR201800033, and her  
3 mother, the State recalls asking the Court to rule that the transcript of the April 19,  
4 2018 proceedings themselves be deemed sealed until further order. The State has not,  
5 however, been able to locate a minute entry detailing that request.

6 On July 10, 2018, after reviewing the parties' respective briefing on the other  
7 acts issues, the Court issued its Order granting the State's request to present other acts  
8 evidence, and signed the Proposed Findings of Fact and Conclusions of Law  
9 previously submitted by the State. Also on July 10, 2018, on its own motion, the  
10 Court sealed the entirety of case files CR201800033 and CR201700655. For ease of  
11 reference, the State attaches copies of the Court's July 10, 2018 Order sealing both  
12 case files in their entirety as Exhibit 3.

13 On July 31, 2018, in advance of the trial that was set to proceed late August  
14 2018, the State moved to unseal the 404 hearing for the limited purpose of preparing  
15 transcripts that could be provided to counsel for both parties. The Court granted that  
16 motion on August 6, 2018. For ease of reference, the State attaches copies of the July  
17 31, 2018 Motion and the Court's August 6, 2018 Order as Exhibits 4 and 5.

18 On February 13, 2019, in response to a motion written by reporter Terri Jo  
19 Neff, the Court entered an order requiring the Clerk of the Court to unseal the probable  
20 cause statement in CR20170655 after redacting victim identifying information. The  
21 State could not locate a similar order regarding CR201800033.

22 These matters involve sex crimes committed by the Defendant. Both victims  
23 are adults at this point, and both certain have the right to privacy under the law. The  
24 State acknowledges that the victim's privacy interests as well as the privacy interests  
25 of the Defendant must give way to the public's right to access to public information in  
court records. The State did not request that the entire files be sealed, and

1 acknowledges that much of the file contains information that does not implicate  
2 privacy concerns or interests of victims.

3 The State asks that the Court maintain the August 6, 2018 order that allows  
4 counsel who need transcripts of the June 19, 2018 hearing to prepare for trial, but  
5 otherwise maintaining the transcript under seal (Exhibit 5). The State further asks that  
6 Court maintain the April 13 order sealing the transcripts of Defendant, victim V.G. and  
7 other acts victim Y.P. (Exhibit 2). The State asks that the Court unseal the remainder  
8 of both case files. A proposed form of order is submitted herewith.

9 RESPECTFULLY SUBMITTED this 30th day of May, 2019.

10 COCHISE COUNTY ATTORNEY

11  
12 BY: \_\_\_\_\_

13 Sara V. Ransom  
14 Deputy County Attorney

15 ORIGINAL filed with the  
16 Cochise County Clerk of the Court  
this 30th day of May, 2019.

17 COPIES mailed/delivered this  
18 30th day of May, 2019, to:

19 Hon. Timothy Dickerson  
20 Judge of the Superior Court  
*Via courthouse distribution*

21 Patricia Enriquez, Esq.  
22 Cochise County Assistant Legal Defender  
*Via courthouse distribution*

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**[proposed] ORDER ON STATE'S  
REQUEST FOR CLARIFICATION  
ON SEALED CASE FILES**

**[JUDGE TIMOTHY DICKERSON  
DIV. IV]**

The Court, having reviewed the State's Request for Clarification on Sealed Case Files, and any response and reply, and having heard such oral argument as it deems necessary, it is hereby **ORDERED GRANTING** the State's Motion.

As ordered by the Court on April 13, 2018, The Clerk of the Court shall maintain the transcriptions of the statements of Defendant Jesus Leon, victim V.G. and other acts victim Y.P. under seal in CR201800033 and CR201700655.

As ordered by the Court on August 6, 2018, the Clerk of the Court shall allow the Court Reporter access to the file to the extent necessary to prepare transcripts of the Rule 404 Other Acts Hearing completed on June 19, 2018 and provide those transcripts to counsel for the State and Defendant, but shall otherwise maintain the transcript and recording of those proceedings under seal.

The July 10, 2018 Order of the Court sealing the entirety of the case files in CR201800033 and CR201700655 is otherwise vacated. Other documents in both case

1 files—after the Clerk of the Court verifies that such documents are properly redacted  
2 to remove victim identifying and locating information—shall be unsealed.

3 DATED this \_\_\_\_ day of June, 2019.

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6 Judge Timothy Dickerson  
7 Division 4, Cochise County Superior Court  
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